IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Bail Appl..No. 4040 of 2007()

CMP.3404/2007 of J.M.F.C.,TIRUR
CRIME NO.447/07 OF TIRUR POLICE STATION

.....

PETITIONER : ACCUSED IN CUSTODY:

MOHAMMED, S/O.KUMHALI, KUZHIYENGAL HOUSE
MAKARAPARAMBA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS: STATE:

THE STATE OF KERALA, REPRESENTED BY
THE C.I. OF POLICE, TIRUR REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4040 of 2007

Dated this the 6th day of July, 2007

ORDER

Application for regular bail. The petitioner faces allegation under Secs.376 of the IPC. The petitioner remains in custody from 30/4/07. The learned counsel for the petitioner submits that even the allegation is only that the petitioner and the prosecutrix were cohabiting and that the petitioner committed the indiscretion of offering the prosecutrix for sexual intercourse for others. That allegation is denied stoutly. The learned counsel for the petitioner submits that the matter is settled and the petitioner is willing to marry the prosecutrix, after he is released from jail. A statement to that effect duly countersigned by the Superintendent of Prison has been produced before me by the petitioner also.

2. I am, in these circumstances, satisfied that the application for regular bail can be allowed subject to appropriate

conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays between 10 a.m. and 12 noon for a period of two months from the date of his release. Within this period, the petitioner shall report to the learned Magistrate that the marriage of the petitioner with the prosecutrix has taken place as undertaken by him in the statement filed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge